IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.288 OF 2006

A.N.A.Development Pvt. Ltd. ...Petitioner.

vs.

Bhagwandas Kanjibhai Mistry. ...Respondent.

Mr.Thakore i/b. M/s.Thakore Jariwala & Associates, for Petitioner.

Mr.Bipin Shukla, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 28th August, 2006.

P.C.:-

1. Heard the learned Counsel appearing for petitioner. The petitioner is not in a position to satisfy the Court that before filing of this petition under Section 9 of the Act the petitioner had invoked the arbitration clause and had informed the two named arbitrators that the disputes between the parties have arisen and therefore, it is for them to take steps to appoint third Arbitrator. Thus, the petitioner is not in a position to satisfy the Court that before filing of the application under Section 9 of the Act he has taken any steps, which he could have

conveniently taken, to have the arbitral tribunal constituted so that the Court can infer that the petitioner is willing to have disputes settled by the arbitration.

2. In this view of the matter therefore, the arbitration petition is disposed of. Ad-interim order is vacated. At this stage a request is made for continuation of the ad-interim order. The request is rejected.

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